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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,483	09/16/2003	Shinichi Kikuchi	008312-0305984	9626
909 7590 04/09/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER SAUNDERS JR, JOSEPH	
			ART UNIT	PAPER NUMBER
			2615	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/662,483

Applicant(s)

KIKUCHI ET AL.

Examiner

Joseph Saunders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9-16-03, 8-12-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the initial office action based on the application filed September 16, 2003.

Claims 1 – 16 are currently pending and considered below.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The file extension "INF" used in the specification should be corrected to "IFO", for example on page 5 "VR\_MANGR.INF" should be corrected to "VR\_MANGR.IFO". This problem occurs throughout the specification and should be corrected throughout the specification. On page 7 "TXT\_MG" should be corrected to "TXTDT\_MG".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 4, 7 – 12, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US 6,795,383 B1), hereinafter Yamamoto.

**Claim 1:** Yamamoto discloses an information recording apparatus comprising: an input unit configured to input data (input section 2603); a detection unit configured to detect audio attribute information from input data input by the input unit (system controller 2602); and a recording unit configured to record audio information and the audio attribute information contained in the input data in a predetermined format (drive 2608) (Column 24 Lines 5 – 54, Figures 14 and 17).

**Claim 2:** Yamamoto discloses an apparatus according to claim 1, wherein the predetermined format contains a management file ("An AR\_MANGR.IFO file 20 is recorded as the management information file. The file 20 stores management information for controlling the reproduction of the AV file.") and an audio file ("AR\_AUDIO.ARO in which the audio are recorded"), the management file contains the audio attribute information ("Management information referred to as RTR\_AMG (real time recording audio management) is recorded in the AR\_MANGE.IFO file. The RTR\_AMG comprises six tables of RTR\_AMGI, A\_AVFIT, ORG\_PGCI, UD\_PGCIT, TXTDT\_MG and MNFIT." "A\_AVFIT stores attribute information related to a coding mode, an audio file, a still picture file or the like."), and the audio file contains the audio information (Column 8 Lines 5 – 25, Column 13 – Lines 50 – 60, and Figures 4, 5, 18, and 25).

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**Claim 3:** Yamamoto discloses an apparatus according to claim 1, wherein the predetermined format contains a management file ("An AR\_MANGR.IFO file 20 is recorded as the management information file. The file 20 stores management information for controlling the reproduction of the AV file.") and an audio file ("AR\_AUDIO.ARO in which the audio are recorded"), the management file contains stream information ("Management information referred to as RTR\_AMG (real time recording audio management) is recorded in the AR\_MANGE.IFO file. The RTR\_AMG comprises six tables of RTR\_AMGI, A\_AVFIT, ORG\_PGCI, UD\_PGCIT, TXTDT\_MG and MNFIT." "A\_AVFIT stores attribute information related to a coding mode, an audio file, a still picture file or the like."), the stream information contains the audio attribute information ("AUD\_STI indicates the attribute of a stream included in the AOB composing the audio file"), and the audio file contains the audio information (Column 8 Lines 5 – 25, Column 13 – Lines 50 – 60, Column 15 Lines 45 – 55, Column 16 Lines 22 – 40, and Figures 4, 5, 18, and 25).

**Claim 4:** Yamamoto discloses an apparatus according to claim 1, wherein the predetermined format contains a management file ("An AR\_MANGR.IFO file 20 is recorded as the management information file. The file 20 stores management information for controlling the reproduction of the AV file.") and an audio file ("AR\_AUDIO.ARO in which the audio are recorded"), the management file contains management information ("Management information referred to as RTR\_AMG (real time recording audio management) is recorded in the AR\_MANGE.IFO file. The RTR\_AMG

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comprises six tables of RTR\_AMGI, A\_AVFIT, ORG\_PGCI, UD\_PGCIT, TXTDT\_MG and MNFIT.” “A\_AVFIT stores attribute information related to a coding mode, an audio file, a still picture file or the like.”), the audio file contains a pack (“The pack 33 for storing the audio elementary stream will be referred to as “A\_PCK (audio pack)””) as a data transfer processing unit, and the pack contains the audio attribute information and the audio information (Column 8 Lines 5 – 25 and 50 – 64, Column 13 – Lines 50 – 60, and Figures 4, 5, 6, 18, and 25).

**Claim 7:** Yamamoto discloses an apparatus according to claim 1, wherein the detection unit detects the audio attribute information contained in the input data (“Next, the system controller 2602 decides whether the coding mode of the audio data is a coding mode at the variable bit rate (VBR) or a coding mode at the constant bit rate (CBR) (Step 25).”) (Column 24 Lines 20 – 23, Figure 17).

**Claim 8:** Yamamoto discloses an apparatus according to claim 1, wherein the audio attribute information contains at least one information of information indicating a compression mode (“coding mode”), information indicating a sampling frequency (“sampling frequency”), and information indicating a sampling bitwidth (“Quantization”) (Column 16 Line 41 – Column 17 Line 53).

**Claims 9 – 12, 15, and 16:** Yamamoto also discloses the method for recording information of the apparatus of claims 1 – 4, 7, and 8 and therefore since claims 9 – 12,

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15, and 16 are substantially similar in scope to claims 1 – 4, 7, and 8 they are rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (US 6,795,383 B1) in view of Oki (US 6,873,274 B2), hereinafter Oki.

**Claims 5 and 6:** Yamamoto discloses an apparatus according to claim 1, wherein the detection unit detects the audio attribute information. Yamamoto does not disclose wherein the detection unit detects a sampling frequency on the basis of a plurality of clocks contained in the input data, and wherein the detection unit detects a length of a half period of an LR clock contained in the input data on the basis of a master clock, and detects information associated with a sampling frequency corresponding to the audio attribute information on the basis of the detection result. Oki discloses an apparatus and method for detecting a sampling frequency of a digital signal on the basis of a plurality of clocks (Figures 1 – 5). Oki teaches that the fs detection means 8 receives at a counter the sampling clock LRCK and the master clock xfso and uses the

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master clock as a count clock. "The counter 31 measure the period during which the input sampling clock LRCK is at a high level, that is, the semi-period of the input sampling clock. If the falling edge of the input sampling clock LRCK is detected, the latch 32 latches the current count value that is output from the counter 31. When the input sampling clock is at a low level, the counter 31 is reset and the latched count value is output to the count value analysis decoder 33 where decoding is done in such a manner as shown in FIG. 5," Column 6 Line 64 – Column 7 Line 9. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the sampling frequency detection means 8 disclosed by Oki in the apparatus of Yamamoto, since the detection means 8 of Oki allows for the sampling frequency of a digital signal to be determined without prior knowledge of the sampling frequency whereas Yamamoto must detect the sampling frequency from stored bits in an attribute table.

**Claims 13 and 14:** Claims 13 and 14 are substantially similar in scope to claims 5 and 6 and therefore are rejected for the same reasons.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JS  
March 28, 2007



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**